IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO. 66 OF 2004

The State of Maharashtra..... .....Applicant.

Versus

Hussain Mohammed Makwana..... .... Respondent.

Ms. Geeta Mulekar, APP for the Applicant.

None for the Respondents.

CORAM : V.R. KINGAONKAR, J.

DATED : 21ST APRIL, 2006.

P.C.:

Heard learned APP for the State. Perused the papers.

2. Having gone through the impugned order and on consideration of the submissions made by the learned APP, I am satisfied that there is no jurisdictional error committed by the learned Special Judge. The learned Special Judge has rejected the request for discharge of the Applicants i.e. Accused Nos.1 and 2 in respect of the offences punishable under Sections 468 and 471 read with Sections 34 and 120(B) of the

Indian Penal Code. However, it is held that the accused did not abet commission of any offence under Section 13 of the Prevention of Corruption Act and hence charge cannot be framed agaisnt them for such offence. There is hardly any material to show that they can be roped in under Section 109 of the Indian Penal Code for offence under the Prevention of Corruption Act. Admittedly, neither of them is a public servant. It appears that out of various certificates found with them only one certificate, pertaining to Shri Ismail A. Shaikh was found to be forged. It appears that the allegation relates to use of forged document i.e. certificate, knowing that the same was not genuine, for registration of vehicle with the R.T.O. Office. By no stretch of imagination it can be said that the Accused cannot be regarded to have abetted commission of any offence committed by a public servant. The impugned order is quite legal, proper and correct. No interference is called for. Revision application is, accordingly, dismissed.

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 893 OF 2004.

IN

CRIMINAL REVISION APPLICATION NO. 66 OF 2004

The State of Maharashtra..... .....Applicant.

Versus

Hussain Mohammed Makwana..... .... Respondent.

Ms. Geeta Mulekar, APP for the Applicant.

None for the Respondents.

CORAM : V.R. KINGAONKAR, J.

DATED : 21ST APRIL, 2006.

P.C.:

Heard learned APP for the State. For the reasons stated in the application, the civil application for condonation of delay is allowed. Delay condoned.

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